

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NED MINGUS, No. 092133,

Plaintiff,

Case No. 05-73842

Hon. Marianne O. Battani

v.

Magistrate Judge R. Steven Whalen

SHERILYN BUTLER,

Defendant.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff, Ned Mingus, filed a complaint alleging that Defendant Sherilyn Butler violated his constitutional and statutory rights when she refused to provide him with either key locks or a single occupancy cell in violation of the American with Disabilities Act, 42 U.S.C. § 1983, and the Equal Protection Clause of the Fourteenth Amendment.

The case was referred to Magistrate Judge R. Steven Whalen for all pretrial proceedings. See 28 U.S.C. § 636(b)(1). On June 24, 2010, the Magistrate Judge recommended that the Court grant Defendant's Motion for Summary Judgment as to Plaintiff's Request for Injunctive Relief (Doc. No. 55), grant Defendant's Motion for Summary Judgment on the individual capacity Fourteenth Amendment claims and official capacity ADA claims (Doc. No. 60), and dismiss Plaintiff's complaint with prejudice. See Doc. No. 75. The Magistrate Judge informed the parties that objections to the R&R must be filed within fourteen days of service and that a party's failure to file objections would waive any further right of appeal. See R&R at 12; 28 U.S.C. § 636(b)(1) and E.D. Mich. LR

72.1(d)(2); Thomas v. Arn, 474 U.S. 140 (1985).

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Report and Recommendation, **GRANTS** Defendant's motions for summary judgment, and **DISMISSES** Plaintiff's Complaint with prejudice in its entirety.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATED: July 27, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served upon Plaintiff and counsel of record on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt
Case Manager